

HOMELAND DEFENSE: SHARING INFORMATION WITH LOCAL LAW ENFORCEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT
AND THE COURTS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

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CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Grassley, Hon. Charles E., a U.S. Senator from the State of Iowa	27
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah	28
Leahy, Hon. Patrick J., a U.S. Senator from the State of Vermont	29
Schumer, Hon. Charles E., a U.S. Senator from the State of New York	1
Thurmond, Hon. Strom, a U.S. Senator from the State of South Carolina	30

WITNESSES

Canterbury, Chuck, National Vice President, Fraternal Order of Police, Myrtle Beach, South Carolina	10
Greiner, Jon, President, Utah Chief of Police Association, Ogden, Utah	14
Kerik, Bernard B., Police Commissioner, New York, New York	4
O'Malley, Hon. Martin, Mayor, Baltimore, Maryland	6

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TUESDAY, DECEMBER 11, 2001

U.S. SENATE,
SUBCOMMITTEE ON ADMINISTRATIVE
OVERSIGHT AND THE COURTS,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:14 a.m., in Room SD-224, Dirksen Senate Office Building, Hon. Charles E. Schumer [Chairman of the Subcommittee] presiding.

Present: Senator Schumer.

OPENING STATEMENT OF HON. CHARLES E. SCHUMER, A U.S. SENATOR FROM THE STATE OF NEW YORK

Chairman SCHUMER. The hearing will come to order and let me apologize to the witnesses. We had votes going on. These are the vicissitudes of life on the Hill. I thank all of you for coming. Senator Sessions is expected shortly but he has given us the okay, the green light to proceed.

We are here this morning to discuss one of the most serious problems undermining public safety today and that is the lack of communication between federal and local law enforcement. One of the worst kept secrets in law enforcement is the chronic lack of communication between federal and local authorities. The problem was never clearer and never more threatening than when anthrax was discovered at the NBC studios in New York City. The FBI knew about it for days but they failed to alert the New York Police Department. And it is quite possible that because of that lack of communication steps that could have been taken to protect the public were not. It is possible that countless New Yorkers were unnecessarily put at risk simply because the law and culture makes information-sharing taboo. That is a risk none of us should ever be forced to take.

Most experts point to two primary reasons for this gaping failure in communication. First, there are legal and procedural obstacles to sharing certain information. Second, some say that the culture within federal law enforcement discourages cooperation with local officials. Neither of these reasons is acceptable. More importantly, both are eminently fixable. Whatever the problems may be, they are getting in the way of protecting the public. If the past few months has taught us anything it is that any delay in patching holes in our security network is unacceptable.

So last month Senator Clinton, Chairman Leahy and Senator Hatch and I introduced legislation to help solve these problems. Our bill reduces many of the practical barriers to information-sharing. Just like other aspects of American culture have changed since September 11, this law enforcement culture needs to change, as well. Our bill gives that culture a push in the right direction.

We recently passed an anti-terrorism bill that carefully balanced the need for information-sharing among federal agencies with the need to protect privacy rights and other civil rights of individuals under investigation. Our proposal builds on both the powers and protections in the anti-terrorism bill. The act permits but does not require the federal government to share information. In short, where information can be shared among federal agencies, under our bill it could be shared with local law enforcement. So if the FBI could alert the CDC to an anthrax outbreak it could, at the same time, tell the NYPD, as well.

At the same time, our bill subjects local law enforcement officials who receive this information to the same privacy protections that cover law enforcement. So if circumstances dictate that the CDC cannot talk to anyone else about an outbreak, neither could the NYPD. We are not changing the rules themselves; we are simply making long-overdue changes to the process.

Our bill also directs the administration to promulgate regulations to guarantee the security of this information. In protecting the public, we are protecting privacy, as well.

This proposal forges a new and open trail for communication regarding threats that federal authorities learn about, whether through grand juries, wiretaps, or foreign intelligence-gathering operations. It would be absurd, especially in this new world, for a witness to tell a federal grand jury about an anthrax threat or for a wiretap to pick up information about a planned car bombing but to restrict the federal government's power to immediately give a heads-up to the appropriate local authorities, yet that is what exactly happens now.

This is especially problematic in an era when state and local budgets are already stretched to the breaking point. They simply cannot afford to provide round-the-clock heightened security on the bridges and roadways, at the power plants and all the other vulnerable sectors. Local law enforcement needs to know when there is a specific threat so they can target resources appropriately and effectively. Too many times local officials learn of security threats by watching the news accounts instead of getting the warning directly from the federal government and that is unacceptable.

We live in a world where we need to use every weapon in our arsenal to protect the public. Rules and a culture that limit information-sharing simply do not make sense. With the holiday travel season, New Year's Eve celebrations, the Superbowl and the Winter Olympics all on the horizon, now more than ever our safety and security depend on maximizing the utility of our resources.

This is no time for squabbling. It is no time to protect turf. It is time for everyone in law enforcement to come together. That means getting federal, state and local law enforcement all onto the same page.

When we remove legal barriers we are also giving an impetus to changing the culture. In the past when federal officials did not want to share information they said well, I cannot because of this or that law and you are not going to get a court suit to debate whether that information can be shared. Now, once this legislation passes, there will be no excuse about the failure to share information. We are not requiring the sharing. There may be some instances where the federal government says that they cannot for a variety of reasons but, at the same time, we are eliminating any kind of legal excuse to the necessity to share information.

Now we all know that there is no question that knowledge is power. The more broadly we share information and intelligence among our federal, state and local law enforcement officials, the better chance we have of preventing future attacks on American soil and that is what this hearing is about and what our legislation tries to accomplish.

President Bush recognizes the importance of local law enforcement in our national security efforts. The administration has directed all 94 U.S. attorneys to create anti-terrorism task forces that include representatives from local law enforcement. That is a good start but it is not enough.

The administration recognizes the need for more information-sharing and they support the objectives of our bill. It is bipartisan, both the Chairman and ranking Republican member of the Committee are sponsors, and we hope to move this legislation quickly. That is why we are having this hearing now. Administration officials have also assured me that they are with us in this battle. We hope to have this bipartisan legislation passed early next year to remedy the problems our witnesses here today will be discussing and I want to thank them all for coming.

Now we are going to turn to the witnesses. I will introduce each first, let them speak, and then introduce the next.

Our first witness is Bernard B. Kerik. I am very proud to introduce him. Since September 11 Bernie has become well known beyond our home city of New York. He has shown valor and heroism in helping lead the city in his role as commissioner of the NYPD, a post he has held since August of 2000. But he had a very distinguished career even before September 11 and those of us who knew him were proud of him even before then. Prior to his appointment Commissioner Kerik served as commissioner and first deputy commissioner of the Department of Corrections, where he did a great job straightening that department out. He served on the front lines, as well as in administrative posts. After being selected for the U.S. Department of Justice's Drug Enforcement Task Force he helped direct one of the most substantial narcotics investigations in the history of the office, which resulted in the conviction of more than 60 members of the Cali Cartel. Commissioner Kerik currently serves on the Terrorism Committee of the International Association of Chiefs of Police.

Commissioner, we are delighted you are here. Everyone, not only all New Yorkers but all Americans are proud of you. Your entire statement will be read into the record.

**STATEMENT OF BERNARD B. KERIK, POLICE COMMISSIONER,
NEW YORK, NEW YORK**

Mr. KERIK. Thank you. Good morning, Mr. Chairman, Senator Sessions and members of the Subcommittee. On behalf of Mayor Rudolph Guiliani and the people of the city of New York I would first like to thank you, Mr. Chairman, for your sustained effort on behalf of the people of New York City in helping us recover from the unthinkable tragedy of September 11.

I would also like to thank you, as well as Senators Clinton, Leahy and Hatch, for your support in introducing Senate Bill Number 1615, the Federal Local Information Sharing Partnership Act of 2001, which addresses roadblocks to information-sharing between federal authorities and state and local law enforcement.

We are gratified that in holding this hearing you are informing the public of a critical gap in the nation's ability to defend itself against terrorism, which makes enactment of S. 1615 a crucial element of homeland defense. Congressman Weiner of New York, along with several cosponsors, introduced a companion bill in the House of Representatives, H.R. 3285, and we look forward to its swift passage, as well.

Oftentimes federal law enforcement officials may have vital information regarding public safety but are concerned that sharing that information with states and localities would be at odds with the federal law. Public safety demands that it must be absolutely clear that there are no statutory barriers to sharing this type of information with state and local law enforcement authorities. This essential legislation is a powerful step in that direction.

Information in the bill that would be clearly shareable includes foreign intelligence information, electronic wiretap information, and certain grand jury information. Under the recently passed USA PATRIOT Act, all of this information may only be shared between federal law enforcement and intelligence agencies. Senate Bill Number 1615 will clearly permit this information to be shared with state and local authorities that are the front-line defense in the war against terrorism.

The fact that over 600,000 members of state and local police forces are not clearly enlisted as partners in the effort to locate and apprehend terrorists must be addressed. Senate Bill Number 1615 amends the USA PATRIOT Act to make it absolutely clear that the sharing of information with state and local law enforcement is appropriate. The suggested amendments do not mandate the sharing of information but leave with the federal authorities the discretion as to what information to disseminate. The discretion will still remain with the federal agency in possession of the information. The bill also includes a direction to the attorney general to promulgate appropriate confidentiality guidelines for the use of the information, with which state and local officials must comply.

Our nation is facing the greatest challenge of this generation in its war on terrorism and every element of our national defense must be utilized in the fight. Local police forces are on the front line and are uniquely situated to gather information which, when coupled with federal intelligence, can not only solve cases but much more importantly, prevent attacks from occurring. Continuing to maintain walls between federal and state authorities with respect

to the sharing of real-time information represents the worst kind of dysfunctional thinking in government and must be addressed as quickly as possible.

Unless state and local jurisdictions are clearly included in appropriate information-sharing, federal authorities will remain hamstrung in their dealings with their local partners. In addition, local jurisdictions will remain uninformed and unprepared in the face of mounting terrorist threats and the nation will be unable to take full advantage of the information and assistance that 600,000 police officers across the country can provide.

Again I would like to thank you, Mr. Chairman and Senator Sessions, for your leadership and support in focussing the nation's attention on the critical need to coordinate federal, state and local resources to protect the people of the United States. I will be pleased to answer any questions you may have.

[The prepared statement of Commissioner Kerik follows.]

STATEMENT OF BERNARD B. KERIK, NEW YORK CITY POLICE COMMISSIONER

Good morning, Mr. Chairman, Senator Sessions, and members of the Subcommittee.

On behalf of Mayor Rudolph Giuliani and the people of New York City, I would first like to thank you, Mr. Chairman, for your sustained effort on behalf of the people of New York City, in helping us to recover from the unthinkable tragedy of September 11th.

I would also like to thank you, as well as Senators Clinton, Leahy and Hatch, for your support in introducing Senate Bill No. 1615, the "Federal-Local Information Sharing Partnership Act of 2001," which addresses roadblocks to information sharing between federal authorities and state and local law enforcement.

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Often times, federal law enforcement officials may have vital information regarding public safety, but are concerned that sharing that information with states and localities would be at odds with federal law. Public safety demands that it must be absolutely clear that there are no statutory barriers to sharing this type of information with state and local law enforcement authorities. This essential legislation is a powerful step in that direction.

Information in the bill that would be clearly shareable includes foreign intelligence information, electronic wiretap information, and certain grand jury information. Under the recently passed USA PATRIOT Act, all of this information may be shared between federal law enforcement and intelligence agencies. Senate Bill No. 1615 will clearly permit this information to be shared with state and local authorities that are the front line defense in the war against terrorism.

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Again, I would like to thank you, Mr. Chairman and Senator Sessions, for your leadership and support in focusing the nation’s attention on the critical need to coordinate federal, state, and local resources to protect the people of the United States.

I will be pleased to answer any questions you may have.

Chairman SCHUMER. Thank you, Mr. Commissioner.

Our next witness, equally distinguished, is Martin O’Malley. He was elected to office in November of 1999 as the youngest mayor in Baltimore’s history. Prior to his election Mayor O’Malley served on the Baltimore City Council from 1991 to 1999 and as an assistant state’s attorney for the city of Baltimore from 1988 to 1990 so he has prosecutorial experience, as well.

Mayor O’Malley is a graduate of Catholic University, the University of Maryland Law School, and he has been a vocal proponent, one of the leading proponents, along with the commissioner, of greater information-sharing between federal and local law enforcement.

Mr. Mayor, we are very pleased to have you here today and grateful you took out time from your busy schedule. Your entire statement will be read into the record and you may proceed as you wish.

STATEMENT OF HON. MARTIN O’MALLEY, MAYOR, BALTIMORE, MARYLAND

Mayor O’MALLEY. Thank you very much, Senator. Mr. Chairman, I also want to thank the members of this Committee and your co-sponsors. I am honored to join you today and lend my voice to the support of Senate Bill 1615, the Federal Local Information Sharing Partnership Act of 2001. I want to thank Senators Leahy, Hatch and yourself and Senator Clinton for hearing the voices of America’s police chiefs and on behalf of the Conference of Mayors I want to thank you for listening to what the mayors of this country have had to say, as well.

S. 1615 addresses a very dangerous gap created by the USA PATRIOT Act by affirmatively allowing federal authorities to share grand jury, wiretap, foreign intelligence operations and confidential banking and educational records with local police.

It has become almost a cliché to say that this war is being fought on two fronts but it is being fought on two fronts. Uniquely for the first time since 1812 one of those fronts is right here on American soil. Were this war being fought on two foreign fronts I have no doubt that we would be rapidly rushing resources to both of those foreign fronts, that we would rapidly be rushing equipment, training and, most importantly, intelligence to both of those fronts.

Unfortunately, we have yet to catch up with this new reality that we are facing. We have nothing resembling rapid intelligence being rushed to our front.

On the intelligence front we must use every resource at our disposal—federal, state and local—to keep America’s citizens safe. Through this bill you are right to affirmatively allow the FBI to share information with the hundreds of thousands of local law enforcement officers across the nation.

No one wants to appear critical of the FBI or any other state or local or federal agency, particularly in the midst of this challenge. Local governments though and local law enforcement can help, want to help, must help out of patriotism and for the safety of our citizens but we must improve our coordination and our information-sharing.

Let me say that since we first raised this issue back in October FBI Director Mueller and Attorney General Ashcroft have taken some concrete steps to better enlist local law enforcement officers in this war against terrorism. The FBI’s terrorist watch list has now been added, so I am told, to the NCIC database and just last week the INS announced it would place the names of 314,000 foreign nationals who disappeared after being ordered deported into NCIC, as well.

Notwithstanding that progress, we still are not where we need to be. Although more people agree that there is no other reasonable course but to enlist, deputize, recruit local law enforcement into this effort, here are a couple of concrete examples why it has to happen. It is just a simple matter of math. There are 7,000 FBI agents assigned to this task before us. There are 650,000 local law enforcement agents. It is physically impossible for all tips or even most tips to be pursued by a mere 7,000 federal law enforcement officers.

Until recently this gap, this dangerous gap, this problem was exacerbated by a tip line where calls that would more appropriately have warranted a 911 response by a patrol officer instead went directly to a centralized number somewhere and we would hope that there was follow-up on those but I seriously doubt it. In Baltimore a local utility company called that national tip line to report a suspicious truck parked outside of one of its facilities. Now the police department, which could have been there within minutes and responds in minutes day in, day out, 24/7 to such calls, never received this information. We found out about it when a utility executive told our police commissioner the story at a social event. We assume the FBI checked into the truck but we are not sure. And given the magnitude of the calls, I seriously doubt it.

Providing security clearance to police chiefs and intelligence units in big-city police departments would also allow local law enforcement to do its share in protecting our nation. Sharing information would better enable police departments to protect cities not only against coordinated attacks but against sort of the lone actors who, on their own volition, may decide to join the jihad.

In Baltimore, for example, we arrested a young man of Iranian heritage walking out of the end of the Howard Street train tunnel which runs under our city, where he had had a train derailment this past summer. He was wearing a mask, carrying a backpack, and had cameras.

Even as it becomes more obvious that we have to cooperate, we are falling short. We are falling short on coordination among the

various levels of government and between federal agencies. For example, had one of the terrorists responsible for flying the plane full of innocent people into a building on September 11 been pulled over, had he been pulled over by a Maryland state trooper two days before that attack, the CIA would have had him on a watch list, the FBI would not, and no information would have been relayed to that state trooper so he could have held that person and possibly thwarted that attack.

A state trooper who would have made that traffic stop would not have known that he was wanted by the FBI or that he was a threat to American citizens. He would have known if he had not paid his insurance in Maryland. He would have known if he had let a speeding ticket go unpaid or did not show up for court. He would have known if he had failed to pay his parking ticket in the city of Baltimore.

The 230 names now on the watch list have been added to NCIC but there are no pictures and in all likelihood many of these men are probably not using their real names. Pictures are critical to catching them. And assuming they did not go to the Osama bin Laden school of perfect driving, some of them will slip up. Some of them will be contacted by local law enforcement, just as indeed Timony McVeigh was first stopped for a traffic violation.

Most recently we have some additional coordination issues. We read in the news report that the FBI would like local law enforcement's help in questioning about 5,000 students who have violated their visas yet our police commissioners has heard nothing about these individuals. His 3,200 police officers are not yet helping. We have been told by our U.S. attorney's office that we have at least 12 such people in our city. We were told that a week or 10 days ago. We know their names but the police have not been able to interview them, we are told, because we are waiting for the Department of Justice and the U.S. Attorney's Office to set up a process. A process for what? We have 70 people solely dedicated to serving fugitive warrants in our city day in and day out. If we had been told 10 days ago to look for these 12 individuals I have no doubt that we would have found a great number of them by now.

In times of crisis government does not have the luxury of acting like a big bureaucracy. A few months might not be soon enough to safeguard American lives. Local government has a lot of skilled, trained people who could be helping federal law enforcement officers protect our citizens if only they had the information to help them accomplish this job, this job which all American law enforcement agencies must rise to.

The USA PATRIOT Act of 2001 provides for sharing of intelligence between federal agencies. Now it is time to ensure the same level of cooperation between local and federal law enforcement. There is no time for us to say we will get to it as soon as we set up a process.

[The prepared statement of Mayor O'Malley follows:]

STATEMENT OF BALTIMORE MAYOR MARTIN O'MALLEY, BALTIMORE, MARYLAND

I am honored to join you today to support S. 1615, the "Federal-Local Information Sharing Partnership Act of 2001."

But more importantly, I want to thank you—Chairman Leahy, Senator Hatch, Senator Schumer and Senator Clinton—for hearing the voices of America's police

chiefs, including Baltimore's Commissioner Edward Norris and NYPD Commissioner Bernard Kerik. Additionally, I would like to thank you on behalf of the U.S. Conference of Mayors, for which I Co-Chair the Federal-Local Law Enforcement Task Force.

While the recently passed USA Patriot Act mandates that federal agencies share information, it failed to allow the same communication exchange with state and local police.

S. 1615 will address the gap in the USA Patriot Act by permitting, but not requiring, federal authorities to share grand jury, wiretap, foreign intelligence operations and confidential banking and educational records with state and local police.

This bill provides Congress with the mechanism to ensure that such information is shared with our country's first responders, the 645,000 local law enforcement officers.

The United States is fighting a war on two fronts—Afghanistan and right here in America's big cities. If those fronts were Japan and Germany, as they were in World War II, we would have the best technology, the best equipment, and the best intelligence being sent right to both fronts.

But, only one front in this war is overseas where we have, as we should, equipped our men and women with the best technology, equipment and intelligence.

The other theater is right here at home in America's big cities. And to date, it's where we've seen the greatest loss of life. Yet, we have insufficient equipment, too little training, and a lack of intelligence sharing with federal authorities.

With war hitting home, we must use every resource at our disposal—federal, state and local—to keep Americans safe. We owe it to the American people. Through S. 1615, you are right to call on the Federal Bureau of Investigations to better share information with the hundreds of thousands of local law enforcement officers across this nation.

Nobody wants to criticize the FBI—particularly during a war. But when Commissioner Norris, a former Deputy Commissioner with the NYPD, explained what was happening in the wake of September 11th it seemed irresponsible to remain silent. Local governments want to help—out of patriotism, but also because we want to make sure our people are safe.

First, let me say that since we first raised this issue in early October, FBI Director Mueller and Attorney General Ashcroft have taken concrete steps to enlist local law enforcement officers in the war against terrorism.

The FBI's terrorist watch list has been added to the National Crime Information Center database. And just last week, the Immigration and Naturalization Service announced it would place the names of 314,000 foreign nationals, who disappeared after being ordered deported, into the NCIC.

However, notwithstanding this progress, after three months, we are not where we should be. Although most people agree that there is no other reasonable course but to deputize local law enforcement, how that occurs is still sketchy.

Here's one reason it must happen—it's a simple matter of math. With more than a half million open tips and 7,000 FBI agents working on this case, it is physically impossible that all tips—or even most tips are being pursued in any meaningful way. Until recently, this problem was exacerbated by the creation of an FBI tip line, bypassing local law enforcement.

The tip line has since been discontinued. But while it was in existence, thousands of calls bypassed local 911 lines, going directly to the FBI without any tracking or reference to local officials.

In Baltimore, a local utility called the tip line to report a suspicious truck parked outside of one of its facilities. The Police Department, which could have been there within minutes, never received this information. We found out about it when a utility executive told Commissioner Norris the story at a social event. We assume the FBI checked into the truck, but we're not sure.

Providing security clearance to Police Chiefs and intelligence units in big city police departments would allow local law enforcement to do its share in protecting our nation—four of the terrorists who crashed into the Pentagon lived in Laurel, between Baltimore and Washington.

Sharing information also would better enable police departments to protect cities against independent kooks, who decide to join the Jihad. In Baltimore, we arrested a young man of Iranian heritage, walking out of the Howard Street tunnel—where we had a train derailment this past summer—wearing a mask, and carrying a backpack and cameras.

Even as it becomes evermore obvious that we must cooperate, we are falling short on coordination amongst the various levels of government and between federal agencies. For instance, one of the terrorists that flew a plane full of innocent people into a building filled with innocent people was pulled over by a Maryland State Trooper

before September 11th. The CIA had him on a watch list. The FBI didn't. And no information was shared with state or local law enforcement.

The State trooper who pulled this driver over would have known he was wanted if he had an outstanding speeding ticket in the State of Maryland. He would have known if his insurance was expired. But he had no way of knowing that he had just pulled over an international terrorist.

Now, the 230 names on the FBI watch list have been added to the NCIC, but there are no pictures. In all likelihood, these men are not using their real names. Pictures are critical to catching them. And unless they went to the Osama bin Laden school of perfect driving, some of them will slip up. Local law enforcement has a very good chance of catching them on traffic charges -just like Timothy McVeigh.

More recently, we have an additional coordination issue. We have read in news reports that the FBI would like local law enforcement's help in questioning about 5,000 students who are violating their visas. Yet, our Police Commissioner has heard nothing. His 3,200 police officers are not yet helping.

Through our local network, we have determined that we have at least 12 such people in our city. We know who and where they are. But the police cannot interview them, we are told, because we are waiting for the Department of Justice and the US Attorney to set up a process—for them to tell us about the guys we already know about.

In times of crisis, government doesn't have the luxury of acting like government. A few months might not be soon enough to safeguard American lives. We need to move more quickly.

I'm not saying local government has all the answers. But we do have a lot of skilled, trained people who could be helping federal law enforcement officers do their job—if only they had the information that would enable them to help.

The USA Patriot Act of 2001 provided for sharing of intelligence between federal agencies. Now it's time to ensure the same level of cooperation between local and federal law enforcement. There is no time for us to say we'll get to it.

Chairman SCHUMER. Thank you, Mr. Mayor.

Our next witness is Chuck Canterbury. Chuck currently serves as the national vice president for the Fraternal Order of Police. He is a 23-year police veteran officer on active duty with the Horry County, South Carolina Police Department where he holds the rank of major and is in charge of the operations bureau of the department.

As most know, the FOP is the nation's preeminent association representing interests of local law enforcement with 300,000 sworn law enforcement officers as members. Their views on this issue are invaluable and we are very pleased, Major Canterbury, that you were able to join us today. Your entire statement will be read into the record. Proceed as you wish.

STATEMENT OF CHUCK CANTERBURY, NATIONAL VICE PRESIDENT, FRATERNAL ORDER OF POLICE, MYRTLE BEACH, SOUTH CAROLINA

Mr. CANTERBURY. Thank you, Senator Schumer.

Good morning, Mr. Chairman and members of the Subcommittee. My name is Chuck Canterbury and I am the national vice president of the Fraternal Order of Police. I am here today on behalf of our national president, Steve Young, to offer testimony in support of enhanced information-sharing between federal law enforcement and those of us at the state and local level.

As you have already stated, in addition to being the national vice president, I am also a major with the Horry County Police Department in South Carolina. As a police executive I recognize the benefits of receiving broad and timely access to information regarding threats to our communities but more importantly, I recognize the

absolute necessity of providing the same information to the rank and file officers under our command.

Since the tragic events of 11 September, our nation has moved rapidly to hunt down and neutralize terrorists both at home and abroad and to strengthen our sense of security, which was assaulted on that fateful day. And, like our military personnel overseas, America's federal, state and local law enforcement officers have done a tremendous job over the last three months under difficult circumstances in protecting our nation from future threats of violence.

A necessary component of these efforts has been timely access to specific intelligence and other information regarding threats to our national security. As our first line of defense in cities big and small, law enforcement officers across the country have used the information at their disposal to move quickly to clamp down on those whose only goal is to inflict as much damage to as many people as possible. Both before and since September 11, many existing systems have been utilized to share intelligence and coordinate efforts against terrorist networks. Among these are the Regional Information Sharing System and the NCIC, to which the FBI has recently added the terrorist watch list. However, several barriers still remain which restrict the flow of other much-needed information from federal agencies to law enforcement at the state and local level and the types of information that is permissible to share.

As you know, broad and timely access the information and intelligence is the linchpin in the fight against terrorism. With 96 percent of the law enforcement officers in the United States employed by state and local governments, it is critical that these agencies be kept in the loop by their federal counterparts.

In the past it has often been a one-way street with state and local law enforcement providing information to their federal colleagues and getting very little information in return. We all have the same job to do but without the same information about threats, our response is inadequate.

The importance of removing barriers to the free flow and exchange of information is an issue which has been highlighted by both Congress and the administration. Following September 11, many of us in state and local law enforcement expressed our frustration with the lack of information flowing down from the federal agencies and from the FBI in particular. National President Young and our executive director Jim Pasco have had comprehensive discussions with Homeland Security Director Tom Ridge, Attorney General Ashcroft, and FBI Director Robert Mueller and with other administrative officials on this issue. All have recognized the importance of providing law enforcement at the state and local level with access to as much information as possible and General Ashcroft and Director Mueller in particular are to be commended for their efforts in attempting to improve the sharing of the information with nonfederal agencies. However, they can only provide as much information as the current law will allow.

It is for this reason that efforts were made by the Fraternal Order of Police, in close cooperation with officials of the New York City Police Department, to include language on this issue as part of H.R. 3162, the USA PATRIOT Act. While this effort was ulti-

mately unsuccessful, we are grateful, Mr. Chairman, that you have introduced legislation which will continue the dialogue as to not only how information is shared in the future but the type of information that can be provided to state and local law enforcement.

Our state and local officers are the first line of defense against threats to our nation. They are the first responders. And because they represent the overwhelming majority of law enforcement in this country, they can be a valuable asset in the fight to improve homeland security but only if a free and uninterrupted flow of information is allowed to exist among law enforcement agencies at every level of government. In our future struggles against terrorism all law enforcement agencies will require access to the most up-to-date and comprehensive information available and this is why it will be demanded by those that we are sworn to protect and serve.

In conclusion, Mr. Chairman, let me thank you on behalf of the membership of the Fraternal Order of Police for holding this hearing and affording us the opportunity to testify here today. We look forward to working with you, the members of this Subcommittee, and other interested parties on how to best address this issue and I would be pleased to stand for any questions.

[The prepared statement of Mr. Canterbury follows:]

STATEMENT OF CHUCK CANTERBURY, NATIONAL VICE PRESIDENT, GRAND LODGE,
FRATERNAL ORDER OF POLICE

Good morning Mr. Chairman, Senator Sessions, and Members of the Subcommittee. My name is Chuck Canterbury and I am the National Vice President of the Grand Lodge, Fraternal Order of Police. With over 299,000 members, the F.O.P. is the largest law enforcement labor organization in the United States. I am here today on behalf of National President Steve Young and the membership of our organization to offer testimony in support of enhanced information sharing between Federal law enforcement and those of us at the State and local level. In addition to serving as the National Vice President of the Fraternal Order of Police, I am also a Major with the Horry County, South Carolina Police Department and a twenty-three year law enforcement veteran. As a police executive, I recognize the benefits of receiving broad and timely access to information regarding threats to our communities. But more importantly, I recognize the absolute necessity of providing rank and file officers under my command.

Since the tragic and heinous events of 11 September, our nation has moved rapidly to hunt down and neutralize terrorists both at home and abroad, and to strengthen our sense of security which was mercilessly assaulted on that fateful day. Our nation is now at war against an oftentimes unseen enemy. It is a war that will not be fought solely in a foreign land by our armed forces, but right here in our own backyards. We also know that it is not one to be handled solely by the Federal government, but by a unified effort with our States and localities. And like our military personnel overseas, America's the same information to the Federal, State and local law enforcement officers have done a tremendous job over the last three months, under difficult circumstances, in protecting our nation from future threats of violence.

A necessary component of these efforts has been, and must continue to be, timely access to specific intelligence and other information regarding threats to our national security. As our first line of defense in cities big and small, law enforcement officers across the country have used the information at their disposal to move quickly to clamp down on those whose only goal is to inflict as much damage to as many people as possible. Both before and since 11 September, many existing systems have been utilized to share intelligence and coordinate efforts against terrorist networks that operate in multiple locations and across jurisdictional lines. One of these, the Regional Information Sharing System (RISS) under the Department of Justice, is comprised of six regional intelligence centers that together serve over 5,600 Federal, State and local law enforcement agencies, and facilitates information sharing and communication to support investigative and prosecution efforts. Another is the National Crime Information Center (NCIC), to which the Federal Bu-

reau of Investigation has recently added their terrorist "watch list," allowing the information to be accessed by State and local law enforcement twenty-four hours a day, seven days a week. However, several barriers still remain which restrict the flow of other much-needed information from Federal agencies to law enforcement at the State and local level, and the types of information it is permissible to share.

As you know, broad and timely access to information and intelligence is the lynchpin in the fight against terrorism. It is critical that State and local agencies be kept in the loop by their Federal counterparts. Ninety-six percent of law enforcement officers in the United States are employed by State and local governments—only four percent are Federal agents. Yet, in critical situations, Federal agencies citing Federal statutes restrict access to this important information. All too often, interagency cooperation is hampered by the lack of a free flow of information from Federal agencies to State and local departments. In the past, it has often been a one-way street, with State and local law enforcement providing information to their Federal colleagues, and getting very little if any information in return. We all have the same job to do, but without the same information about threats, our response will be inadequate.

The importance of removing barriers to the free flow and exchange of information is an issue which has been highlighted by both the Congress and the Administration. Following 11 September, many in the State and local law enforcement community expressed frustration with the lack of information flowing down from Federal agencies, and from the FBI in particular. National President Young and our Executive Director Jim Pasco have had comprehensive discussions with Homeland Security Director Tom Ridge, Attorney General John Ashcroft, FBI Director Robert Mueller, and with other Administration officials at the White House on this issue. All have recognized the importance of providing law enforcement at the State and local level with access to as much information as possible, and General Ashcroft and Director Mueller in particular are to be commended for their efforts to improve the sharing of intelligence and other information with nonfederal agencies. They have provided timely notification to State and local law enforcement about potential terrorist attacks and targets. And they have recognized that there is room to further open lines of communication, and the need to continue to build better relationships with those throughout the law enforcement community. However, they can only provide as much information as current law will allow.

It is for this reason that efforts were made by the Fraternal Order of Police, in close cooperation with officials of the New York City Police Department, to include language on this issue as part of H.R. 3162, the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act." While this effort was ultimately unsuccessful, we are gratified that you, Mr. Chairman, have introduced legislation which will continue the dialogue as to not only how information is shared in the future, but the type of information that can be provided to State and local law enforcement officers and officials. Our State and local law enforcement officers are the first line of defense against threats to our nation. They are the first responders, and because they represent the overwhelming majority of law enforcement in this country, they can be a valuable asset in the fight to improve homeland security. But only if a free and uninterrupted flow of information is allowed to exist among law enforcement agencies at every level of government. Without providing these men and women with as much and as specific information as possible about what or who to be on the look out for, we are not allowing them to operate at their peak efficiency in the war against terrorism.

Over the last several years, we have seen dramatic increases in the power and speed of communications technology to disseminate enormous amounts of information to an even greater array of people. This is the same type of information explosion which is required within the law enforcement community if we—whether at the International, Federal, State or local level—are to be as effective as possible in cracking down on terrorists and those who support them. In our future struggles against terrorism, all law enforcement agencies will require open and uninterrupted lines of communication, providing access to the most up-to-date and comprehensive information available—and this is what will be demanded by those we are sworn to protect and serve. In conclusion, Mr. Chairman, let me thank you again on behalf of the membership of the Fraternal Order of Police for holding this important hearing, and for affording us the opportunity to testify here today. We look forward to working with you, the Members of this Subcommittee, and other interested parties on how best to address this issue and create safer futures for our children and fellow citizens.

I would be pleased to answer any questions you may have at this time.

Chairman SCHUMER. Thank you, Major Canterbury, for again excellent testimony.

Our final witness is Chief Jon Greiner. Chief Greiner is chief of police in Ogden, Utah. He has come at the special request of Senator Hatch. It is a position he has held since 1995. He is also the president of the Utah Chiefs of Police Association. He served for over 30 years in law enforcement, more than 20 years as an officer in the Army Reserve. In addition to holding two bachelors of science, Chief Greiner has a master in social science and public administration. He serves on multiple boards and Committees, including most importantly for our purposes today, the Utah Public Safety Olympic Command.

Chief, like the other witnesses, your entire statement will be read into the record and you may proceed as you wish. Thanks for being here.

**STATEMENT OF JON GREINER, PRESIDENT, UTAH CHIEF OF
POLICE ASSOCIATION, OGDEN, UTAH**

Mr. GREINER. Good morning, Mr. Chairman and members of the Senate Judiciary Committee. I appreciate the opportunity to appear before you today to discuss the local law enforcement interests and information-sharing between federal and local law enforcement.

Hundreds of our own were murdered on September 11, 2001, along with thousands of citizens we were sworn to protect. The law enforcement community has been the subject of an ever-increasing dialogue surrounding such issues as to whether everything was done to prevent these attacks and what if any number of possible reforms might be made to increase the capacity of all law enforcement to prevent such attacks from occurring in our homeland.

We, all of us, welcome this healthy process of discussion and potential helpful legislation. As the designated symbol of legal force in our society, we stand for those who value a society of order and peace. It has always been a fact of life with us, in law enforcement, that people will kill others to accomplish their particular goals. Unfortunately, it took a tragedy of immense proportions to bring these points of needed discussion to the surface of public consciousness and dialogue.

A significant discovery that came as a result of this tragedy was that many agencies, federal, state and local, had in their possession information which may have provided clues that the terrorist attack of September 11 of imminent and what the overall direction of that attack may be or take. In our world people do things based on motives, the real and the imaginary, to murder others. When we can, we try to use intelligence as a big part of our operational process so that we can calculate what may happen by knowing our enemies.

For example, there were law enforcement agencies alerted to suspicious activities surrounding flight schools. There were also "watch lists" of U.S. immigration officials naming these same terrorists involved in the September 11 attacks. Unfortunately, no one government agency possessed enough precursors in this terrorist formula to put together all the relevant ingredients and predict the

attack. None of the individual ingredients, standing alone, was sufficient to alert our agencies that this event was about to take place.

Several lessons have been learned from this experience. The first is that we must do a better job of information-sharing among all law enforcement agencies. We too often hold information close to our sources and do not share it with others. Sometimes this happens to the extent of actual refusal to help others when requests are made. The second is that we must do this without sacrificing or compromising legal restrictions that have been put in place. This is not to say there are not good reasons for secrecy when it puts lives at risk or may cause innocent people to have their images tarnished by hasty criminal investigations but there is enormous potential for saving the lives of innocent people if we can recognize our potential through information-sharing.

I suggest learning these lessons. Criminals, terrorists and evil-doers spread their propaganda falsehoods in two ways. The first is to convince us all that evil does not exist so that we continue to become lambs led to slaughter or we just march forward as naive victims. The second is that evil is so prevalent that we need to destroy our basic individual freedoms to survive. Evil or criminals are not everywhere—quite the contrary. They are the minority of the population law enforcement deals with every day.

A few months ago the U.S. Congress reviewed many of the legal barriers to efficient flow of information within various agencies inside the federal government and, where appropriate, lowered some barriers. These adjustments will help bring many resources to bear on reducing the possibility of future terrorist attacks. However, a significant component of this information-sharing was left out. That is the sharing of information with state and local enforcement counterparts. The FBI, which is the lead federal agency regarding terrorism, has but 12,000 agents. The city of New York, for instance, has more than three times that number of sworn officers alone. Nationally there are more than 650,000 sworn officers. Think of it as the spider web that catches the insects of terrorism as they fly through. The web needs to be complete to work; otherwise, the main pieces of the web provided by federal law enforcement have gaping holes for insects to utilize.

I think the American public is asking our legislators if they are serious about the domestic war on terrorism and if they are, why should we not employ all the resources at our disposal to win the battles? Federal law enforcement resources are, quite frankly, dwarfed by existing resources in state and local jurisdictions. While searching out and disrupting international terrorism remains a primary function of the federal law enforcement, it is essential we take advantage of state and local assets.

On October 29, 2001, FBI Director Robert Mueller reminded the International Chiefs of Police Organization in Toronto, Canada that there is no one institution with enough resources or expertise to defeat terrorism. He has been quoted as saying “It must be a joint effort across agencies, across jurisdictions, and across borders. State and local law enforcement are playing a critical role collecting information, running down leads and providing the kind of expertise critical to the effort of this magnitude and of this importance.”

Senate Bill 1615, the Federal-Local Information Sharing Partnership Act of 2001, would foster better joint efforts by the federal, state and local law enforcement agencies in the war on terrorism. This bill would address the oversight in previous legislation recently of the information-sharing provisions of that legislation. It helps us all—federal, state and local law enforcement—if we can cooperate on a two-way road with a give-and-take relationship. This legislation is essential to ensure that state and local law enforcement agencies are able to work hand in hand with federal law enforcement agencies such as the FBI in the war on terrorism.

On a personal note let me give you just some examples of over 25 years of relationships my local law enforcement agency has had with federal officers. Early in my career a local drug rip-off of a drug dealer ended with a federal wiretap and significant forfeitures involving DEA, FBI, IRS, U.S. Marshals and yes, an Ogden city police officer. Today, because of that experience, I have personnel assigned to a multi-county drug strike force with federal DEA representation. I also have personnel assigned to an FBI multi-jurisdictional criminal apprehension team, an FBI joint terrorism strike force, and locally a multi-jurisdictional gang task force and SWAT team. These same relationships are the reason two counties and 12 law enforcement entities in Northern Utah have gotten together to combine law enforcement records into a singular records management system in one software and in one location. This is the same software being used by the largest city and county in the state of Utah, a future collaboration being currently in the works.

So why has Ogden done this? Our enemies, our criminals do not recognize any boundaries we put in place. Together as a team, we can do great things for our citizens. Individually we usually are only the sum of our strongest parts and resources.

Another example if I might is the Utah Olympic Public Safety Command of 20 agencies which I have the privilege to sit on. The make-up of the command is federal, state and local law enforcement for the most part. For the past three years we have worked together with many other agencies in government and private partnerships to prepare the state of Utah to host the 2002 Winter Olympics. The terrorism legislation passed recently serves as a barrier to our work and may compromise the citizens of Utah and our guests from around the world. We need to have the relevant information and its source that comes as a result of federal grand jury information, wiretapping information, visa information, and one that may have been overlooked in this endeavor is educational records of students studying in this country.

In just the last 60 days, in my community, we have stopped citizens from former Cold War world countries taking pictures of housing and Olympic venues. We have talked with four Middle Eastern students who have rented a condominium, put one mattress in it and are ordering up a fast modem Internet service. We have talked with a reclusive Middle Eastern gentleman in a transient apartment complex whose neighbors claim he has been seen in the middle of the night meeting with other Middle Eastern gentlemen in remote areas of the apartment complex.

These are the fine strands of the spider web that would normally be written off as suspicious circumstances if the partnership my

agency has with federal and state officers did not exist. We treat every one of these situations as a potential problem. With less than 60 days to go until the Olympics, we cannot afford to do otherwise. After the Olympics the war on terrorism will still be going on and we will need to work at contributing whatever information and resources we might have to the total effort.

Again I appreciate this opportunity to speak with you today and I will answer any questions you may have. Thank you.

[The prepared statement of Chief Greiner follows.]

STATEMENT OF JON J. GREINER, POLICE CHIEF, PRESIDENT, UTAH CHIEFS OF POLICE ASSOCIATION, MEMBER UTAH OLYMPIC PUBLIC SAFETY COMMAND, OGDEN CITY, UTAH

Good morning Mr. Chairman and members of the Senate Judiciary Committee. I appreciate the opportunity to appear before you today to discuss the local law enforcement interests in information sharing between federal and local law enforcement.

Hundreds of our own were murdered on September 11, 2001, along with thousands of citizens we were sworn to protect. The law enforcement community has been the subject of an ever increasing dialogue surrounding such issues as to whether everything was done to prevent these attacks and what if any number of possible reforms might be made to increase the capacity of all law enforcement to prevent such attacks from occurring in our homeland.

We, all of us, welcome this healthy process of discussion and potential helpful legislation. As the designated symbol of legal force in our society, we stand for those who value a society of order and peace. It has always been a fact of life with us, in law enforcement, that people will kill others to accomplish their particular goals. Unfortunately it took a tragedy of immense proportions to bring these points of needed discussion to the surface of public consciousness and dialogue.

A significant discovery that came as a result of this tragedy was that many agencies, federal, state, and local, had in their possession information which may have provided clues that the terrorist attack of September 11th was imminent and what the overall direction of that attack may be or take. In our world people do things based on motives (the real and the imaginary) to murder others. When we can, we try to use intelligence as a big part of our operational process so we can calculate what may happen by knowing our enemies. For example there were law enforcement agencies alerted to suspicious activities surrounding flight schools. There were also "watch lists" of U.S. Immigration officials naming these same terrorists involved in the September 11th attacks. Unfortunately, no one government agency possessed enough precursors in this terrorist formula to put together all the relevant ingredients and predict the attack. None of the individual ingredients, standing alone, was sufficient to alert our agencies that this event was about to take place.

Several lessons have been learned from this experience. The first is that we must do a better job of information sharing among all law enforcement agencies. We too often hold information close to our sources and do not share it with others. Sometimes this happens to the extent of actual refusal to help others when requests are made. The second is that we must do this without sacrificing or compromising legal restrictions that have been put in place. This is not to say there aren't good reasons for secrecy when it puts lives at risk or may cause innocent people to have their images tarnished by hasty criminal investigations, but there is enormous potential for saving the lives of innocent people if we can recognize our potential through information sharing. I suggest learning these lessons; Criminals, Terrorists and Evildoers spread their propaganda falsehoods in two ways. The first is to convince us that evil does not exist so that we continue to become lambs led to slaughter or we just march forward as naive victims. The second is that evil is so prevalent that we need to destroy our basic individual freedoms to survive. Evil or criminals are not everywhere, quite the contrary, they are the minority of the population law enforcement deals with every day.

A few months ago the U.S. Congress reviewed many of the legal barriers to efficient flow of information within various agencies inside the federal government and where appropriate lowered some barriers. These adjustments will help bring many resources to bear on reducing the possibility of future terrorist attacks. However, a significant component of this information sharing was left out. That is the sharing of information with state and local law enforcement counterparts. The F.B.I., which is the lead federal agency regarding terrorism, has but 12,000 agents. The City of

New York for instance has more than three times that number of sworn officers alone. Nationally there are more than 650,000 sworn police officers. Think of it as a spider web that catches the insects of terrorism as they fly through. The web needs to be complete to work, otherwise, the main pieces of the web provided by federal law enforcement have gapping holes for insects to utilize.

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On a personal note let me give you some examples of over twenty five years of relationships my local law enforcement agency has had with federal officers. Early in my career a local drug rip off of a dealer ended with a federal wire tap and significant forfeitures involving DEA, FBI, IRS, U.S. Marshals and yes an Ogden police officer. Today, because of that experience, I have personnel assigned to a multi county drug strike force with federal DEA representation. I also have personnel assigned to a FBI Multi Jurisdictional Criminal Apprehension Team, a FBI Joint Terrorism Strike Force and locally a multi jurisdiction gang task force and SWAT team. These same relationships are the reason two counties and twelve law enforcement in Northern Utah have gotten together to combine law enforcement records into a singular Records Management system in one software and one location. This is the same software being used by the largest city and county in the State of Utah, a future collaboration being currently in the works. So why has Ogden done this? Our enemies, our criminals do not recognize any boundaries we put in place. Together, as a team, we can do great things for our citizens, individually we usually are only the sum of our strongest parts and resources.

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Again, I appreciate the opportunity to speak with you today and I will answer any questions you may have.

Thank You

Chairman SCHUMER. Thank you, Chief, and I want to thank all of the witnesses for their testimony.

Let me begin with some questions. I want to ask each of you about some specific instances. This is such a long-term and severe problem. I remember when the former Attorney General Janet Reno came first before us in the House Judiciary Committee and she said her number one goal was to bring greater cooperation between federal and local law enforcement. That was back in 1993 and obviously we have a long way to go but it shows you that this problem has been with us for a long time. And just to flesh out the problem I would like to ask again about some specifics. First is to the commissioner.

I first got involved in trying to add this legislation to the anti-terrorism bill when I received calls from you, Commissioner, and the mayor. You were quite upset about what had happened with the anthrax information. Can you give us the details as to what happened and why you were so upset about that?

Mr. KERIK. I think primarily the anthrax investigation just sort of brought it to light. That was that there had been a letter received by NBC studios that the FBI had been made aware of directly from NBC, someone at NBC, and that letter was held for some time, maybe a week or so or even more than a week—I do not have the exact time—before we became aware of it as a result of other inquiries. And it was disturbing to know that we could have been on the issue instantly and that sort of brought all of this to light, that the FBI had not let us know. We could have responded, as we responded—as some of my colleagues mentioned, we respond to 911 calls for suspicious activity for disturbing packages, for parcels, different threatening items in the city 24 hours a day. That is what the New York City Police Department does and we could have been there and we could have had a handle on it much quicker.

One of the things that concerns me is we have to look at the overall signature of what terrorism is and what terrorists do. If you will recall back in 1993, there was an attack on the World Trade Center. They did not succeed or at least what they intended to do, they did not succeed. They wanted to take down the buildings; they did not do that.

People associated with those people who were responsible later in 1996 and 1997 again threatened the city. There was an investigation that revealed an attempt to take down the tunnels and bridges, some of the tunnels and bridges. The threats were thwarted. There were people arrested, still associated with these same people from the World Trade Center.

Now we come to 2001, there is another attack on the World Trade Center, this time a devastating attack, and we find during the course of the investigation that there were people involved in this investigation or associates of that were related to the people back in 1993.

We have to look at these groups. If they do not succeed the first time, they are going to come back and do it again. We have to make sure that we collect data, collect every ounce of information that we can and we disseminate it to the people that need the in-

formation the most. And as the chief mentioned from Utah, I have 41,000 police officers that are out there on a daily basis collecting information. As you know, last year we created the Regional Intelligence Center for fighting crime in the city—the FBI, the DEA, the Customs, ATF, the New York City Police Department all put into one central database through HIDTA, through New York HIDTA, and it has a major impact on crime reduction, which is our primary goal in New York City.

I think we have to look at the primary goal of national defense and what we can do to benefit national defense, and that is collect information from everyone, disseminate it to those who need it, and with the enactment of this law you will not preclude anyone from stopping you from getting that information.

Chairman SCHUMER. Let me ask you, Commissioner, did you have discussions after you finally found out about the NBC letter and anthrax with the head of the New York office of the FBI or people in Washington? And did they give you any good reason why they did not tell you immediately when they had heard of this?

Mr. KERIK. Well, I am not here to criticize and I will say that Barry Mawn from the New York office, the assistant director, has been extremely cooperative. There could have been a lack of communication.

Chairman SCHUMER. It is just so much part of their culture, they do not even think to tell the NYPD, even when there is a major scare like this? Is that fair to say?

Mr. KERIK. I think that could be what it is.

Chairman SCHUMER. Leaving Barry or leaving the New York specifics out of it.

Mr. KERIK. As you mentioned earlier, there are two things that will preclude us from getting information—the law and the culture.

Chairman SCHUMER. Right.

Mr. KERIK. Culture can be changed, as you know, as in New York City it has been, through management accountability. Resolve the issue. The other thing is the law. Change the law and we will get the information.

Chairman SCHUMER. I called Mr. Mawn, as well, and asked him what happened after this and I did not get much. He said well, it was sort of a mistake or whatever else. I mean did they give you any reason why they—obviously you were upset and I am sure you communicated with them. What was their reasoning? Did they think it through? Did they say well, it would be a bad idea or they just said well, we are the FBI, we can handle this, we do not need anybody else?

Mr. KERIK. I think what happened is they sent their investigators and they ran it their route and just failed to contact us.

Chairman SCHUMER. Would it not have made sense to ask the NYPD do you have any record of any anthrax, any traces of anthrax in previous years? I mean there are so many obvious questions that you would think you would reach out to local law enforcement, particularly such a sophisticated, well established group as NYPD.

Mr. KERIK. Absolutely. But I say in their defense, I have to say post that event we put together an effort to ensure that all the agencies were involved. In fact, when there is, in fact, an anthrax

scare or a threat, the teams that go out to do the collection of evidence and analysis and environmental studies consists of New York City detectives, members of the FBI Joint Terrorist Task Force, FBI agents, and New York City firefighters.

So I have to say in the FBI's defense they have been extremely forthright in putting together a comprehensive plan for us to attack the problem.

Chairman SCHUMER. So since the NBC anthrax letter you would say at least culture-wise. They still cannot do things legally and that is what our law changes but culture-wise they seem to be a lot better and more cooperative?

Mr. KERIK. I think culture-wise Director Mueller and Barry Mawn have done a tremendous job in trying to turn things around.

Chairman SCHUMER. Great. And so now when there is any other kind of danger you hear about it directly from them right away?

Mr. KERIK. Barry Mawn calls me directly. Yes, he does.

Chairman SCHUMER. Good. That is a good improvement.

I just want to ask you about something else you mentioned, these same individuals you mentioned, 1993, 1997, 2001. Was there sharing of information between NYPD and FBI about these individuals over the course of those eight years? Was it regular? Was it routine? Was it ad hoc? Did it ever occur?

Mr. KERIK. I think the New York City Police Department is in a sort of different circumstance than a number of other agencies throughout the country. As you know, we have had a Joint Terrorist Task Force for more than 20 years now in New York City. In fact, New York City was one of the first cities in the country to create such a task force.

So we have a more cooperative effort when it comes to terrorism because we have FBI agents and New York City police officers working together. And I would say the communication was beneficial to fighting what we had to do in New York City. In fact, in 1996 or 1997 when we took down the group that was going to do the bridges and tunnels, that was as a result of an investigation that eventually we had to—New York City came up with it and turned it over to the task force.

Chairman SCHUMER. There has not been that much problem with the local people telling the federal authorities; it has generally been the other way in the past. Is that right?

Mr. KERIK. Usually it is, yes.

Chairman SCHUMER. Let me ask you, Mayor O'Malley, and I am sure you have talked to Mr. Norris, your police chief. Do you find communication, to be better since September 11 or maybe even since the major SNAFU with the NBC anthrax letter? You are a large city, not as large as New York. You were not at the center of these terrorist actions. Do you think it is better? Do you get any feeling of change? Are your folks treated a little better?

Mayor O'MALLEY. It is slightly better. I think sometimes we confuse meetings with progress. We have some great meetings with our FBI and they are real nice people, too. It is not about nice. It is not about congeniality or being good colleagues.

There is a little bit of change. I think one of the biggest changes is that Director Mueller appreciates what a huge cultural barrier he needs to overcome as the new leaders of that organization. But

we really need to stay to the specifics. I think we all want to hear the good news so much that we tend not to bore down to the details, and the details are important. The assassination of Mayar Kahani and the information that was passed on by the NYPD to the federal authorities that they never bothered to translate that implicated people that were later involved in the 1993 attacks on the World Trade Center, that is an important detail. I am sure we had lots of meetings between Mayar Kahani's assassination and the 1993 attack but we did not follow up on it.

The 12 individuals that I am told we want to get in touch with in the city of Baltimore and that we have wanted to get in touch with for the last 10 days, what are we waiting for? I mean I am glad that we are told that there are 12 individuals but what are we waiting for?

The names of the 230 people on the watch list, the good news is we were told that that change was made about a month ago. The bad news is that my head of intelligence for the Baltimore City Police Department, a very competent guy who is held very accountable by Commissioner Norris, has attempted several times to access those names through NCIC, has been unsuccessful. He understands through colleagues of ours in Ann Arbor, Michigan that there is a special code you need to put in in order to access those names. He did not have it. He called our local FBI office. They said we are not aware of a special code. And in the meantime the 3,100 member of the Baltimore City Police Department, who stop traffic all the time as part of their duties, still are not able to access those names when they run it through to see if they have paid their Maryland auto insurance or their tags are up to date.

The relay of information, the sorts of tips that are much more appropriately responded to by a patrol officer, the sort of 911 call, mysterious Ryder truck case casing the utility facilities, those things are not coming to us any quicker than they were two months ago.

So I think that there is an improvement in that people at the top of the FBI are recognizing the problem but on the ground, Senator, and again nobody wants to appear critical at these times but it is not happening. We have a bad case of the slows. The federal government almost needs a Comstat process—call it federal stat or something—to drive these things home to completion. It is not happening. I do not know exactly why it is happening.

The fact that you change the law I think is an important step in the right direction but we should not be shy about asking these questions. We really need you and your colleagues to bore down to these details. We all want to hear the good news but the fact of the matter is that Americans are at risk if we do not get to the details of this and actually pick up the phone, call local law enforcement and say how is it better, how is it not better? And I would encourage you and your staff to do that and not accept the answers that—you know, there is a common phenomenon that affects all human beings in every single organization whether it is the FBI or local law enforcement or whatever the human organization is and that is people tell the boss what the boss wants to hear. And I would encourage you and your colleagues—

Chairman SCHUMER. It does not happen in the Senate.

Mayor O'MALLEY. I am sure not. But I would encourage you and your colleagues and your staff to call the local law enforcement up and see what they are saying. I think it was a help to Director Mueller to get that sort of input and I would only encourage you to keep following up.

Chairman SCHUMER. I agree with you, Mr. Mayor. I would say had the mayor and the commissioner not talked a little bit about what happened after the NBC anthrax letter we would not have had the progress we made. But you bring a good question up because this is dealing with information and the Comstat system, which has been used in New York and I guess is used in other police departments, is an information system. It is basically giving the police—I always thought it made police work a little more like private sector because you had statistics and you had goals and you had to see if you made them and you could not just talk your way around the problem.

I wanted to ask the commissioner, based on what you said, what do you think of doing a Comstat-type of program for this issue and for other issues in the FBI? Because one of the things that we have been concerned with here is getting the FBI a little leaner and meaner than they have been.

Mr. KERIK. One of the things that the mayor and I recommended early on was that either through the Office of Homeland Security or through the FBI that Director Mueller appoint someone at the highest levels, directly reportable to him or directly reportable to Tom Ridge, that would create a Comstat mechanism to collect this intelligence and to ensure that it went out to the appropriate parties.

Chairman SCHUMER. That is a great idea.

Mr. KERIK. We called for that when the mayor and I testified earlier before Congress. We are very much in favor of it. I think it would be extremely beneficial and it has proven around this country that it works. Whether it is crime statistics or internal intelligence like the Regional Intelligence Center in New York City now, it works, and all they have to do is create the position, have someone oversee it, and then hold people accountable to make sure that they are doing what they are supposed to do.

Chairman SCHUMER. Could not the FBI use a whole Comstat system?

Mr. KERIK. Absolutely.

Chairman SCHUMER. Not just for this but for the whole way that they operate?

Mr. KERIK. Absolutely.

Chairman SCHUMER. You have given us another hearing's worth of information here but that is something I think makes a great deal of sense, having followed it in NYPD.

Mayor O'MALLEY. Mr. Chairman?

Chairman SCHUMER. Go ahead, Mr. Mayor.

Mayor O'MALLEY. We stole their good idea and do it across the board in all the cities—

Chairman SCHUMER. You would recommend that the FBI institute a Comstat-type system?

Mayor O'MALLEY. The important thing is to drive through the completion of the task and that is what does not happen.

Chairman SCHUMER. Right.

Mayor O'MALLEY. We like to wrap ourselves in the warm blanket feeling that if we pass it on to the FBI or the federal government that everything has been completed and it is done and the numbers, the sheer numbers defy that.

Chairman SCHUMER. Thanks.

Chief Greiner, you had said a number of interesting things. How is the cooperation? You mentioned there is a task force in Utah. We have the Olympics, as you mentioned, in less than 60 days. A, has the cooperation been pretty good all along? Has it gotten better? Are you confident that when the federal government learns of some possible problem with the Utah Olympics that the local law enforcement on the ground in Utah will learn it, too?

Mr. GREINER. Yes, sir, I am. Because of the Olympics I think there has been an increased awareness of information-sharing. We have huge geographical problems out in Utah, not the population issues that are here on the East Coast, but the Olympics has brought to the forefront a new discussion level amongst all law enforcement along the Wasatch front and as a result of that we are very attuned to everybody's needs.

The problem I see is that in the collection of the data who gets out and does the investigation of it in a timely manner? It is not uncommon to have real intelligence come to us and see it also on the front page of USA Today within the same half hour. So USA Today had the information at least before print time, which is before law enforcement got it.

So the timeliness is still an issue but the cooperation level, at least for the Olympics, has been superb.

Chairman SCHUMER. So it is that you are not getting it quickly enough but you are getting it?

Mr. GREINER. Yes, sir.

Chairman SCHUMER. Although you may read about it in the newspaper first.

Mr. GREINER. Yes, sir.

Chairman SCHUMER. Okay, you mentioned a couple of other things I want to mention. Flight schools, could you just elaborate on that a little bit? I was intrigued by what you said but I was not clear from your testimony. Is this the federal government had information about who was attending flight schools and did not share it with you, that you had it and did not get cooperation when you dealt with the feds? Just explain that a little bit.

Mr. GREINER. There is both. I have read and heard from at least some federal sources that there was information about these flight schools that was not passed on, at least from the jurisdictions where the flight schools existed. And even in my own jurisdiction we have an airport, a regional airport, and one of the flight services was bought by a Middle Eastern gentleman who lives in Park City and he has bought up two or three of the flight service schools across the state of Utah, information that we had that was never shared with anybody and did not come to the forefront until the September 11 tragedies.

Chairman SCHUMER. Now it has been better?

Mr. GREINER. Now it has been better.

Chairman SCHUMER. Is everything okay with those flight schools?

Mr. GREINER. So far.

Chairman SCHUMER. You mentioned another issue, which is you talked about our legislation might be missing something about information about students on visas, nonAmerican citizens on visas. Do you want to talk about that a little bit?

Mr. GREINER. Yes, sir, and this comes to light just this past week. Part of the watch list that came out from the FBI contains several names. The unfortunate part of that is that those names are as common as John Smith or John Brown in our culture. So as you check the register, the database of our community, and you find those names, a number of times those individuals are students at our local university. The university police department has no database retrieval system and anything that happens off-campus is in our database retrieval system. So even going and finding out what there may be requires a lot of extra effort, to the point that even the president of the university asks why local police are coming on his campus to talk to his students when it is only in response to questions being offered from the federal people.

I think there is a wealth of information there about students who are here maybe not with all the most desirable of traits or desirable of motives and we need to make sure that we understand all the people in our community and not leave that sector of them out because I think that student visas are one of those areas that are grossly misused and abused in our country.

Chairman SCHUMER. My guess is if you tied in the university to this a little bit more not only would you find better information but you might do it in a nicer way.

Mr. GREINER. Yes, sir.

Chairman SCHUMER. If the university people say we know this person, they seem to be fine, et cetera, it is a lot better than having local police go knock on their door and create a whole fuss on the campus, too. That would make sense.

Mr. GREINER. Yes, sir.

Chairman SCHUMER. Let me ask each of you and let me start with Mr. Canterbury, when you bring up your complaints to federal law enforcement, when your members do, Major Canterbury, and you say look, we need more cooperation, do they admit that it is a problem now, more so than before? Or do they say you are getting all the information that we can afford to give you? Do they indicate the law is more the problem rather than the culture? Just tell us a little bit about that since you represent people all across the country.

Mr. CANTERBURY. I think since September 11 the Fraternal Order of Police has had good cooperation with the FBI director and Attorney General Ashcroft and I think that we have had a lot of input and we have been able to discuss it, but I believe that the law is more the excuse. Obviously the change in the law was important but the culture needs to change.

Small town America, which is where I am from, the contact with the FBI is we need your information; we will see you later. It is a cultural thing. It is not necessarily—as the mayor said, we have a lot of meetings and they are nice meetings but the exchange of

information is very one-sided. I think that obviously in the last especially two months there has been a lot of input allowed, a lot of input requested, and where that goes, I think time will tell but I think a change in the law is extremely important but the change in the culture is even more important.

Chairman SCHUMER. And I think it was the mayor who mentioned that at the top levels there is a lot of cooperation but getting it down to the lower levels is tough. That is why Comstat is probably a good idea because that will measure how well it is being done, as opposed to the top guys saying yes, do it, and then the lower level guys, you never know whether they are or are not. What do you think of that idea?

Mr. CANTERBURY. I think one of the most important things that I heard today was what the mayor said about Timothy McVeigh. The information getting to the front-line troops that are actually making the traffic stops, and I think the chief talked about the spider web effect, it is the 650,000 rank and file officers that are actually going to make those contacts? If the watch list information does not come up on the traffic stop or it does not come up on the field interview or the contact with the domestic dispute, then filtering back up is much harder, but the front-line troops are the people that need the ability to get the information because they are the ones making the daily contacts. And we are very concerned about that.

Chairman SCHUMER. Commissioner or Mayor, when you bring this up to people at the top level do they acknowledge it is a problem and do they seem to reflect it is more cultural or legal?

Mayor O'MALLEY. At first, in the wake of the attacks, we got from the local people a lot of legal and I think they did not have much information themselves. I picked up the phone and actually called Director Mueller about three weeks after the attacks and to his credit, he called me back. At the time he said, "How come you are the only city in America that has this problem?" And to his credit, after we had a very frank discussion, he then started reaching out and calling local law enforcement and I think really wants to fix this. Up until that time I do not think he fully appreciated the very, very dangerous gap that exists.

You know, the analogy with the spider web I think is a good one but if the information is not there, the insects are not going to get stuck to the web. They are going to be given a warning ticket and waved goodbye in this time of racial profiling.

Chairman SCHUMER. Commissioner?

Mr. KERIK. Like I said earlier, Barry Mawn and the city office has been extremely cooperative. But the mayor brings up a good point and this is something I think everyone should focus on. Does the Bureau have the information that they need? Are they getting information from the CIA, the Defense Intelligence Agency, from the INS, immigration? Are their databases linked? Are the watch lists linked to the databases from INS and the Bureau and Customs? Is there money being funded through narcotics trafficking? Is DEA's database involved? I think we also have to look at that, too.

If you think about a Comstat process and a process of intelligence accountability, this is a war unlike any other war we have

in this country. This war is really jeopardizing our national security. It has to be fought from the inside at the lowest levels up and out. And I think the culture will change if the order is given from the top and people are held accountable but in doing that we have to make sure that it is really broadly encompassing because at the end of the day during the course of talking to the Bureau, even if they are giving us information, we have to know what they have because more importantly, we have to know what they do not have. What they do not have, those 650,000 cops that patrol the streets every day, I can almost assure you, will find or have. That is the bottom line.

Chairman SCHUMER. As you say, I think the vice president has said this, that this is the first war where more people will die on the home front than on the battlefield. That means that the people that you command in one way or represent are front-line troops and cannot be treated in a secondary way that well, we do not need you, you are not useful to us, et cetera. And I think that is really important.

Anyone have any final words that they wish to give us? The hearing has been very helpful in fleshing all of this out and helping us move our legislation, which we are going to move quickly.

As you say, Commissioner, this is not just the problem of federal to local law enforcement. Federal agencies did not share any of this until we passed our bill and that culture has got to change, too, but I have a feeling the culture is more imbedded when it goes from federal to local and that has to change. We are taking steps to do it and your testimony will help us get there.

Mr. KERIK. Thank you.

Chairman SCHUMER. I want to thank you. Mr. Mayor?

Mayor O'MALLEY. I would like to nominate Commissioner Kerik to the new role of director of federal Comstat.

Chairman SCHUMER. He has a few other jobs. I do not know if he would take this one.

But thank you. I thank each of the witnesses and all of the staff who worked hard on the hearing. We are adjourned.

[Whereupon, at 11:18 a.m., the Subcommittee was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

Statement of Hon. Charles E. Grassley, a U.S. Senator from the State of Iowa

Mr. Chairman, I want to thank you for holding this hearing to highlight the sharing of information between federal, state, and local law enforcement and intelligence agencies. As many of you know, I strongly believe in the importance and necessity for federal, state and local agencies to develop protocols for improved sharing of intelligence and other information.

Local police agencies play a significant role in preventing and responding to terrorism. They make a valuable contribution to our Nation's anti-terrorism efforts by building on their community policing networks to exchange information with citizens and gather intelligence. Federal law enforcement can't do it alone. Local police have direct and crucial information about individuals living in their communities and are especially qualified to assess community concerns and fears necessary for effective intelligence gathering. We must trust them to maintain the confidentiality of sensitive information and to allow them to be equal partners in any collaborative efforts if those strategies are to be effective.

Last month, I conducted two working meetings in Des Moines and Cedar Rapids on the issue of first responder preparedness. The purpose of these meetings was to

have an open dialogue with Iowa first responders about their mission in a crisis and how prepared they feel they are to carry out that mission.

One of the concerns expressed privately to my staff was that the first responders need increased information sharing with federal investigative and intelligence agencies. These participants cited the lack of information sharing as the key impediment to investigative and operational efficiency, and that it could ultimately effect the successful and timely detection and resolution of a potential terrorist incident. These first responders identified the management of the FBI as the probable source of the bottleneck in the flow of information between federal agencies and local law enforcement.

For many years, I've been talking about the FBI's refusal to share information and the negative effect this has on law enforcement's overall effectiveness. This pattern of information hoarding is deeply rooted within the organizational culture of the Bureau. To complicate matters further, the FBI is structured in such a way as to restrict the flow of information to those that need it the most, the first responders, those men and women who are at the front lines of our homeland defense. The investigation following the September 11th attacks has proven how critical this first line of defense is in our nation's battle against terrorism.

To be sure, there are legitimate reasons for segregating certain information, such as the protection of sources and methods and the classification of sensitive information. But these reasons are often used as a smokescreen to hoard information because it simply serves the Bureau's interests, which unfortunately are at times focused more on public relations than on the needs of the case. Ask any law enforcement professional in state, local or federal government, and they will tell you a number of stories of FBI officials claiming sole credit for multi-jurisdictional investigations. Or, as is frequently the case, information is withheld in order to cover-up an embarrassing blunder.

Senator Schumer has introduced a bill to allow the voluntary sharing of information regarding future terrorist attacks. This bill to remove some of the statutory barriers to information sharing is a good start, but for real information sharing to occur, there must be a sea change in the management of the FBI. Fortunately, the Justice Department has recently revealed their reorganization plan for the FBI and it does address the issue of information sharing. I hope this plan is not just "window dressing". Furthermore, this Committee must continue our vigilant oversight of the FBI to insure that state and local police are receiving the information they need to effectively prevent terrorism.

Mr. Chairman, again I want to thank you for holding a hearing on an issue that is critical to effective law enforcement.

Statement of Hon. Orrin G. Hatch, a U.S. Senator from the State of Utah

Mr. Chairman, in the wake of the September 11 terrorist attacks, the law enforcement community has been the subject of an intense level of scrutiny, to determine, first, whether everything possible was done to prevent the attacks, and second, what, if any, reforms can now be made to increase the capability of law enforcement to prevent such attacks in the future. This analysis is a healthy process, and one that has been welcomed by virtually all of our law enforcement agencies, although it is unfortunate that it took a tragedy of such magnitude to bring these matters to the forefront of the public consciousness.

One of the most important revelations that has resulted from this period of scrutiny, is the realization that, prior to the September 11th attacks, government agencies within the United States already had in their possession clues that a terrorist attack was imminent, and clues as to the form that such an attack might take. It has become apparent, for instance, that law enforcement agencies had been alerted to suspicious activities at flight schools around the country. We have also learned that many of the terrorists who perpetrated the September 11th attacks were on "watch lists" compiled by U.S. immigration authorities prior to September 11th.

Unfortunately, no one governmental agency possessed enough of these clues to piece together a sufficiently clear outline of the terrorists' plans to enable us to predict and prevent the September 11th incidents. None of the isolated pieces of information was sufficient, standing alone, to set off warning bells that an attack was about to take place.

Accordingly, one of the first lessons we have learned from the September 11th attacks is that we must do a better job of encouraging information sharing between and among our law enforcement institutions.

There are two dimensions to the problem of sharing criminal investigatory information between governmental agencies. First, there is a culture, particularly within our law enforcement institutions, to hold information close, and to refuse to disseminate it to other governmental agencies. Second, there are often legal restrictions as to how and when information may be lawfully disseminated.

Often, there are good reasons for both the legal restrictions on information sharing and the culture of informational compartmentalization. Investigations may be compromised, and lives put at risk, if investigatory information is spread too liberally. In addition, innocent people, who may subsequently be cleared of all wrongdoing, may have their reputations tarnished by premature disclosure that they are the subject of a criminal investigation.

While we must remain mindful of these concerns, we must also recognize the enormous potential that sharing information between and among our law enforcement institutions has to increase the probability that terrorist activity may be identified and prevented. We must look for ways to encourage such sharing in circumstances where the benefits to our society outweigh the costs.

This was one of the major concerns motivating the passage of the Anti-terrorism legislation earlier this year. In that legislation, Congress reviewed many of the legal barriers to the efficient flow of information within various agencies of the federal government and, where appropriate, lowered those barriers. These changes are key reforms that will unquestionably help the federal government to bring all its resources to bear on identifying and stopping terrorist activities.

One area that was neglected by the Anti-terrorism legislation, however, was the sharing of information between federal law enforcement authorities and their state and local counterparts. If we are truly serious in our domestic war on terrorism, then it is essential that we employ all the resources at our disposal to win that war. Our federal law enforcement resources are simply dwarfed by the resources available in state and local jurisdictions. While disrupting international terrorism efforts will remain primarily a function of the federal government, it is essential that we take advantage of all the help that state and local authorities can provide.

As FBI Director Robert Mueller recently stated, "We all realize, no one institution has enough resources or expertise to defeat terrorism. It must be a joint effort across agencies, across jurisdictions, and across borders. State and local law enforcement are playing a critical role collecting information, running down leads, and providing the kind of expertise critical to an effort of this magnitude and of this importance."

S. 1615, the Federal-Local Information Sharing Partnership Act of 2001 would foster joint efforts by the federal government and state and local law enforcement. The bill would address the oversight in last month's legislation, by extending the information sharing provisions contained in that legislation to cover, not just the federal government, but state and local law enforcement agencies as well. This legislation is essential to ensure that state and local law enforcement agencies are able to work hand-in-hand with federal law enforcement agencies such as the FBI in the war against terrorism.

In conclusion, I would like to point out that in my home state of Utah we are in the process of pioneering cooperative law enforcement efforts among federal, state, and local law enforcement institutions. As we gear up for the Winter Olympics in 2002, federal, state, and local law enforcement has come together, to an unprecedented degree, to provide security for that event. I would like to welcome my good friend, Jon Greiner to today's hearing. Jon is the Chief of Police in Ogden Utah, and in that capacity he has been in the forefront of establishing these inventive relationships. I look forward to hearing his testimony, and that of all the fine witnesses that have been assembled for today's hearing.

Statement of Hon. Patrick J. Leahy, a U.S. Senator from the State of Vermont

I commend Senator Schumer for holding this hearing on the need for and benefits of sharing information with local law enforcement. Local law enforcement are the first responders at the scene of crises and have to determine almost instantaneously whether the cause was an accident, a crime or, worse, an organized terrorist attack. To make these determinations and to know how best to respond, they should and must have access to the information necessary to evaluate these situations accurately and expeditiously.

I have co-sponsored with Senator Schumer, Senator Clinton, and Senator Hatch S. 1615, the "Federal-Local Information Sharing Partnership Act of 2001," which would provide guidelines for such sharing to take place. I originally supported this legislation during the final deliberations between the Senate and House on the USA PATRIOT Act. While the Senate leadership favored adding these provisions to the bill, the House leadership wanted to defer consideration on procedural grounds without prejudice to the merits.

S. 1615 authorizes the sharing of certain foreign intelligence information with local law enforcement personnel. The bill resolves the question of whether legal barriers prevent the FBI and other federal law enforcement authorities from disclosing information to state and local law enforcement agencies when necessary and appropriate to ensure an effective response to terrorist threats. The Committee will review the details of the bill carefully so that it achieves this goal without risking unintended consequences.

On the larger issues of cooperation I am pleased that FBI Director Robert Mueller announced last week the creation of a new position of Assistant Director for Law Enforcement Coordination to be filled by an experienced representative of local law enforcement. This new position will report directly to Director Mueller. To his credit, the Director Mueller is aware of the problem of the FBI not effectively working with other law enforcement officers. He told one law enforcement group in late October that offers of help from police have in some cases been wrongly turned down, and called that "unacceptable." He has promised that the FBI will change the way it works with local police.

I have spoken to Mayor O'Malley about this issue and thank him for the personal attention and commitment he has given to ensuring that local law enforcement has the information and tools needed to perform effectively in protecting our public safety.

There is, however, a separate issue of coordination between federal, state, and local law enforcement under the Justice Department's new joint terrorism task forces that are led by the United States Attorneys' offices rather than FBI field offices.

For example, former FBI Associate Deputy Director Oliver B. (Buck) Revell has raised important questions in a letter, dated December 5, 2001, to the Washington Post that Senator Hatch quoted in part at this Committee's December 7 hearing with the Attorney General. Mr. Revell expresses concern about the Attorney General's action of placing the U.S. Attorneys in charge of the joint terrorism task forces as "both unproductive and undermines the effectiveness of the FBI's relationship with state and local authorities." Mr. Revell states that several police chiefs have advised him "that they are not comfortable in such a relationship led by U.S. Attorneys." He is concerned that the U.S. Attorneys will not "have the investigative resources and analytical capabilities to execute this program." Mr. Revell concludes, "Now is not the time to undermine the capabilities of the nation's primary agency responsible for the prevention and investigation of terrorist activity."

The Committee will look into these and other issues raised by the new joint terrorism task force structure. Today marks three months after the terrible terrorist attacks on the World Trade Center, the Pentagon and our airlines. I know I share the gratitude of the Nation for the valiant work of Commissioner Kerik and the New York City Police and the other police officers around the country, including the Capitol Police, who have been working longer hours under enormously stressful conditions to keep us safe. I welcome all the witnesses here today.

Senator Schumer and Senator Clinton worked tirelessly during consideration of the USA PATRIOT Act to back up the FBI Director's words and good intentions with legislation, and expressly authorize information sharing by the FBI with State and local law enforcement officers, when they have a need to know the information to perform their public safety mission in response to terrorist threats. I support this goal.

Statement of Hon. Strom Thurmond, a U.S. Senator from the State of South Carolina

Mr. Chairman:

I am pleased that you are holding this hearing on such a timely issue, the sharing of information with local law enforcement. Each day, our local law enforcement personnel are on the front lines in the war against terrorism, and we should develop sensible policies for coordinating the efforts of Federal and local officials. In order

to protect our Nation from future terrorist attacks, we must provide for the easy exchange of information so that local law enforcement will be prepared to act on a moment's notice. With the appropriate information sharing, our various law enforcement agencies will be encouraged to work as one team, united in the goal of ensuring the safety of our citizens.

The USA PATRIOT Act provided some much-needed reforms for the sharing of information on the Federal level. Before the law took effect, law enforcement officials were largely prohibited from passing critical information to the intelligence community. The Act expanded the sharing of this information. For example, information derived from grand juries and from criminal wiretaps may now be passed to intelligence officials. This cooperation among the different agencies of the Federal government ensures that we are not fighting terrorism with one hand tied behind our back.

We should not stop there. We should explore further changes that may be necessary, including the sharing of information with local law enforcement. Local police make up the vast majority of law enforcement officers in this country. According to Chuck Canterbury of the Fraternal Order of Police, 960 of law enforcement officers are employed by state and local governments while only 4% are Federal employees. This statistic is a staggering reminder that reforms on the Federal level do not necessarily reach the overwhelming majority of law enforcement officers.

One way in which we can enhance information sharing is to make further use of an existing law enforcement tool, the Regional Information Sharing System (RISS). RISS consists of a group of six regional information centers and is funded by grants from the Department of Justice. One of these information centers is the Regional Organized Crime Information Center (ROCIC), which serves as an important information-sharing tool for law enforcement in the state of South Carolina.

Local law enforcement officers contribute to the RISS database in order to facilitate the exchange of information between jurisdictions. In addition, RISS incorporates other elements that allow state and local law enforcement officers to confer with one another. For example, the system utilizes encrypted email and bulletin boards that provide secure forums for communication.

Although existing agreements allow the Federal government to use RISS to share some information with local law enforcement, this sharing of information is very limited due to existing laws and policies. Not only should we examine statutory changes that would maximize the ability of Federal officers to share critical information with local police, but we should also seek to change the attitudes and behaviors of the law enforcement community. Local police throughout the country report that the flow of information is not a two-way street. Local authorities often pass information to Federal authorities, but information does not always flow from Federal officers to local officers, even when allowed under current law.

Mr. Chairman, I appreciate your interest in the further improvement of the reforms incorporated in the USA PATRIOT Act. We should carefully consider your proposals. While we should ensure that information is not passed in an easy or uncontrolled manner, we must remember that law enforcement is more effective if it presents a united front in the war against terrorism. There needs to be a fluid exchange of information, allowing local law enforcement the ability to respond quickly to terrorist threats. That is why I am interested in the idea of giving Federal authorities further flexibility in passing information to local officials. I look forward to hearing the testimony of today's witnesses.

